

MORGAN, LEWIS & BOCKIUS LLP
Daniel Johnson, Jr. (State Bar No. 57409)
Rita E. Tautkus (State Bar No. 162090)
Amy M. Spicer (State Bar No. 188399)
One Market, Spear Street Tower
San Francisco, CA 94105-1126
Tel: 415.442.1000
Fax: 415.442.1001
E-mail: djjohnson@morganlewis.com
rtautkus@morganlewis.com
aspicer@morganlewis.com

MORGAN, LEWIS & BOCKIUS LLP
Andrew J. Wu (State Bar No. 214442)
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306-2122
Tel: 650.843.4000
Fax: 650.843.4001
E-mail: awu@morganlewis.com

Attorneys for Plaintiffs and
Counterdefendants
ALPHA & OMEGA SEMICONDUCTOR,
INC.
ALPHA & OMEGA SEMICONDUCTOR,
LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALPHA & OMEGA SEMICONDUCTOR,
INC., a California corporation; and
ALPHA & OMEGA SEMICONDUCTOR,
LTD., a Bermuda corporation,

Plaintiffs,

v.

FAIRCHILD SEMICONDUCTOR
CORP., a Delaware corporation,

Defendant.

AND RELATED COUNTERCLAIMS

TOWNSEND AND TOWNSEND AND
CREW LLP
Eric P. Jacobs (State Bar No. 88413)
Peter H. Goldsmith (State Bar No. 91294)
Robert A. McFarlane (State Bar No. 172650)
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111
Tel: 415.576.0200
Fax: 415.576.0300
E-mail: epjacobs@townsend.com
phgoldsmith@townsend.com
ramcfarlane@townsend.com

Attorneys for Defendant and
Counterclaimant
FAIRCHILD SEMICONDUCTOR CORP.

Case No. C 07-2638 JSW
Case No. C 07-2664 JSW

**STIPULATION AND [PROPOSED]
ORDER GRANTING CONSOLIDATION**

1 FAIRCHILD SEMICONDUCTOR
2 CORP., a Delaware corporation,

3 Plaintiff,

4 v.

5 ALPHA & OMEGA SEMICONDUCTOR,
6 INC., a California corporation; and
7 ALPHA & OMEGA SEMICONDUCTOR,
LTD., a Bermuda corporation,
Defendants.

STIPULATION

WHEREAS, on May 17, 2007, plaintiffs Alpha & Omega Semiconductor, Ltd. and Alpha & Omega Semiconductor, Inc. (collectively, "AOS") filed the above-captioned suit ("the AOS Action") for patent infringement and declaratory judgment against defendant Fairchild Semiconductor Corp. The AOS Action seeks relief for Fairchild's alleged willful infringement of U.S. Patent No. 5,907,776 (the "'776 patent") and U.S. Patent No. 5,767,567 (the "'567 patent"). The AOS Action also seeks declaratory judgment of non-infringement of U.S. Patent No. 6,429,481 (the "'481 patent") and U.S. Patent No. 6,710,406 (the "'406 patent");

WHEREAS, on May 18, 2007, Fairchild filed suit against AOS, *Fairchild Semiconductor Corp. v. Alpha & Omega, Inc., et. al*, Case No. 07-2664 PJH ("the "Fairchild Action"). In the Fairchild Action, Fairchild seeks relief for AOS's alleged willful infringement of the '481 patent, the '406 patent, and U.S. Patent Nos. 6,521,497 and 6,828,195;

WHEREAS, Fairchild asserted six counterclaims in response to AOS's complaint in the AOS Action. Fairchild's first and second counterclaims seek declaratory judgment of alleged non-infringement and alleged invalidity of the '776 and '567 patents. Fairchild's other four counterclaims seek relief for alleged willful infringement of the '481, '406, '497, and '195 patents – the four patents Fairchild asserted against AOS in the *Fairchild* action.

WHEREAS, on June 15, 2007, this Court deemed the two cases to be related within the meaning of Civil Local Rule 3-12 and the later-filed Fairchild Action was reassigned to the Honorable Jeffrey S. White;

WHEREAS, the parties agree that the AOS Action and the Fairchild Action involve several common questions of law and/or fact, and that consolidation of the two actions would tend to avoid unnecessary costs and delay for the parties and the Court.

IT IS THEREFORE STIPULATED by and between the parties, through their undersigned counsel of record, that the AOS Action (*Alpha & Omega, Inc., et. al v. Fairchild Semiconductor Corp.*, 07-2638 JSW) and the Fairchild Action (*Fairchild Semiconductor Corp. v. Alpha & Omega, Inc., et. al*, 07-2664 JSW) may be consolidated pursuant to Federal Rule of Civil Procedure 42(a) for all further pre-trial and trial proceedings before this Court.

1
2 Dated: July 27, 2007

MORGAN, LEWIS & BOCKIUS LLP

3
4 By: /S/

5 Daniel Johnson, Jr.
6 Attorneys for Plaintiffs and
7 Counterdefendants
8 ALPHA & OMEGA SEMICONDUCTOR,
9 LTD., AND ALPHA & OMEGA
10 SEMICONDUCTOR, INC.

11
12 Dated: July 27, 2007

TOWNSEND AND TOWNSEND AND
CREW LLP

13
14 By: /S/

15 Eric P. Jacobs
16 Attorneys for Defendant and
17 Counterclaimant
18 FAIRCHILD SEMICONDUCTOR
19 CORPORATION

20 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
21 "conformed" signature (/S/) within this efiled document.
22
23
24
25
26
27
28

[PROPOSED] ORDER

Pursuant to the parties' stipulation set forth above, the two actions shall be and hereby are consolidated into Civil Action No. 07-2638 JSW for all further pre-trial and trial proceedings before this Court. The docket in Civil Action No. 07-2638 JSW shall constitute the Master Docket for this action and the file in Civil Action No. 07-2638 JSW shall constitute the Master File.

IT IS SO ORDERED.

Dated:

HON. JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE